



MEMORANDUM ENDORSED

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June 12, 2023

VIA ECF

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Benjamin Rich v. State of New York, et al.,
21 Civ. 3835 (AT) (GWG)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants Michael Miller and Vincent Corrandò in the above-referenced action. For the reasons set forth herein, defendants write to respectfully request an extension of time from June 19, 2023 until July 19, 2023 to submit any new Motion for Summary Judgment. This is the first request for this relief.

By way of background, defendants filed a motion for summary judgment in which they alleged that plaintiff Benjamin Rich signed a general release that released the defendants herein from any claims occurring before that date. *See* ECF Nos. 95, 97. On March 28, 2023, the Court ordered plaintiff to submit a sworn affidavit providing “all information he has” about the general release. *See* ECF No. 104. Plaintiff filed two letters in response to the Court’s March 28, 2023 and neither is sworn. *See* ECF Nos. 105, 107, 108. Moreover, the Court found that the letters were confusing in their wording. *See* ECF No. 110. On April 24, 2023, the Court ordered that a telephonic hearing be held on May 10, 2023 at 10:00 a.m. *Id.* The May 10, 2023 hearing was subsequently adjourned upon a request by defendants. *See* ECF Nos. 111 & 112.

On May 19, 2023, a hearing was held where, upon information and belief, plaintiff testified under oath that he did not sign the settlement paperwork that defendants claimed he signed, that any Power of Attorney by plaintiff’s “estranged wife” Nadine Rich was not effective, and that plaintiff had not received any settlement proceeds from the state case.

On May 26, 2023, the undersigned contacted Arkady Frekhtman, Esq., the attorney who represented plaintiff in the state court action, via e-mail regarding a copy of a Power of Attorney. On June 7, 2023, the undersigned contacted Mr. Frekhtman again. On June 8, 2023, the

undersigned called Mr. Frekhtman's law office and spoke with Stephanie DeLeon. However, to date, this office has not received a copy of a Power of Attorney.

Because defendants needs addition time to determine whether they will file a new Motion for Summary Judgment, and due to the undersigned being out of the country from June 15, 2023 to June 24, 2023 and my supervisor being out of the country from June 29 through July 6, defendants require until July 19, 2023 to submit their MSJ.

Thank you for your consideration herein.

Respectfully submitted,



Felix De Jesus
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **BY U.S. MAIL**
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Extension to July 19, 2023, granted. Any opposition is due August 16, 2023. Any reply is due August 30, 2023.

So Ordered.


GABRIEL W. CORENSTEIN
United States Magistrate Judge

June 12, 2023